

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

SHAWN MACKEY

PLAINTIFF

V.

CIVIL ACTION NO. 3:23-cv-233-DPJ-ASH

JOHN PIGOTT et al.

DEFENDANTS

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

COME NOW, Defendants, John Piggott, In His Individual and Official Capacities, Johnny McRight, In His Individual and Official Capacities, Cheryl Thurmond, In Her Individual and Official Capacities, Videt Carmichael, In His Individual and Official Capacities, Donnie Caughman, In His Individual and Official Capacities, Bubba Hudspeth, In His Individual and Official Capacities, Dolly Marascalco, In Her Individual and Official Capacities, Luke Montgomery, In His Individual and Official Capacities, Will Symmes, In His Individual and Official Capacities, Dianne Watson In Her Individual and Official Capacities (collectively Individual Defendants) and the Mississippi Community College Board (MCCB) (collectively Defendants) and move for summary judgment pursuant to Federal Rule of Civil Procedure 56, as follows:

1. The gist of the underlying factual allegations contained in the Amended Complaint [44] is that MCCB and all of the Individual Defendants, who comprise MCCB's board members discriminated against Plaintiff, Sean Mackey (Mackey or Plaintiff) when it selected a white male applicant for the position of Executive Director of MCCB in January 2023. Plaintiff claims that he is clearly better qualified for the position and should have been selected.

2. Mackey raises three causes of action: (1) Title VII (against MCCB only), (2) 42 U.S.C. § 1981 through §1983 (against the Individual Defendants in their official capacities for

prospective relief only), and (3) the Equal Protection Clause of the Fourteenth Amendment through §1983 (against the Individual Defendants in their official capacities for prospective relief only). [44, ¶ 36]. While Mackey fails to raise a single cause of action against the Individual Defendants in their individual capacities, he nonetheless seeks “actual, compensatory, and incidental damages” and “liquidated and punitive damages” against them in their individual capacities. *Id.*, p. 10, Section V, Claims for Relief at ¶¶ b and e.¹

3. Defendants will show that the undisputed facts in this matter warrant summary judgment in their favor. Further, the individual capacity Individual Defendants are also entitled to qualified immunity.

4. In support of this Motion, Defendants rely on the pleadings, the Amended Complaint [44], this Court’s Order [38], the Memorandum in Support of this Motion, which is being submitted simultaneously herewith, and the following exhibits:

1. Exhibit 1: Relevant portions of the transcript of the Rule 30(b)(6) deposition of MCCB;
2. Exhibit 2: Relevant portions of the transcript of William Poe Symmes’s deposition;
3. Exhibit 3: Relevant portions of the transcript of Kell Smith’s deposition;
4. Exhibit 4: Relevant portions of the transcript of Cynthia Jiles’s deposition;
5. Exhibit 5: Relevant portions of the transcript of John Pigott’s deposition;
6. Exhibit 6: Relevant portions of the transcript of Johnny McRight’s deposition (Volume I);
7. Exhibit 7: Relevant portions of the transcript of Donnie Caughman’s deposition;
8. Exhibit 8: Relevant portions of the transcript of Luke Montgomery’s deposition;
9. Exhibit 9: July 16, 2021 MCCB Board Minutes;
10. Exhibit 10: Relevant portions of the transcript of Johnny McRight’s deposition

¹ To be clear, Plaintiff only mentions the individual capacity Defendants in the “Parties” section and his prayer for relief against all Defendants pursuant to 42 U.S.C. § 1981(a), which governs damages. However, he fails to assert a single cause of action for any purported individual capacity claims.

(Volume II);

11. Exhibit 11: Relevant portions of the transcript of Cheryl Thurmond's deposition;
12. Exhibit 12: Relevant portions of the transcript of Henry "Bubba" Hudspeth's deposition;
13. Exhibit 13: Pre-2022 job description and minimum requirements for MCCB's Executive Director;
14. Exhibit 14: 2022 job description and minimum requirements for MCCB's Executive Director;
15. Exhibit 15: January 20, 2023 MCCB Board Minutes;
16. Exhibit 16: Relevant portions of the transcript of Dolly Marascalco;
17. Exhibit 17: April 6, 2022 email between John Pigott and Johnny McRight;
18. Exhibit 18: Relevant portions of the transcript of Peggy Dianne Smith Watson's deposition;
19. Exhibit 19: Plaintiff's June 1, 2023 EEOC charge;
20. Exhibit 20: January 21, 2022 MCCB Board Minutes;
21. Exhibit 21: February 3, 2022 email between John Pigott, Johnny McRight, and Cheryl Thurmond;
22. Exhibit 22: MCCB's position statement to the EEOC; and
23. Exhibit 23: Relevant portions of the transcript of Videt Carmichael's deposition.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that this Court enter an Order granting summary judgment in their favor and dismissing this case with prejudice. Defendants also request such other and further relief as the Court deems just and appropriate.

RESPECTFULLY SUBMITTED, this the 14th day of April, 2025.

**JOHN PIGOTT, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITIES, CHERYL THURMOND,
IN HER INDIVIDUAL AND OFFICIAL
CAPACITIES, VIDET CARMICHAEL, IN HIS**

INDIVIDUAL AND OFFICIAL CAPACITIES,
DONNIE CAUGHMAN, IN HIS INDIVIDUAL
AND OFFICIAL CAPACITIES, BUBBA
HUDSPETH, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITIES, DOLLY MARASCALCO,
IN HER INDIVIDUAL AND OFFICIAL
CAPACITIES, JOHNNY MCRIGHT, IN HIS
INDIVIDUAL AND OFFICIAL CAPACITIES,
LUKE MONTGOMERY, IN HIS INDIVIDUAL
AND OFFICIAL CAPACITIES. WILL SYMMES,
IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES,
DIANNE WATSON, IN HER INDIVIDUAL AND
OFFICIAL CAPACITIES, AND THE MISSISSIPPI
COMMUNITY COLLEGE BOARD, *Defendants*

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